

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
5:11-CR-218-H-2

UNITED STATES OF AMERICA	)	
	)	
v.	)	<b>ORDER OF DETENTION PENDING</b>
	)	<b>TRIAL</b>
RODNEY ANTAWAN BROWN,	)	
	)	
Defendant.	)	

This case came before the court today for hearing on the government's motion, pursuant to 18 U.S.C. § 3142(f), to detain defendant pending trial. At the hearing, defendant presented no evidence. The government, proceeding by proffer, provided a summary of the evidence supporting its case, which includes the facts set out below. For the reasons stated below, the government's motion is GRANTED.

**Background**

Defendant was charged by indictment on 27 July 2011 with the following offenses allegedly occurring on or about 1 November 2010: conspiracy to commit bank robbery, in violation of 18 U.S.C. § 371 (ct. 1); armed robbery and aiding and abetting the same, in violation of 18 U.S.C. §§ 2113(a)(d) and 2 (ct. 2); and use of a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2 (ct. 3). The charges arise from the robbery of a branch of First Citizens Bank in Fayetteville, North Carolina. Defendant allegedly brandished a pistol during the robbery.

**Discussion**

Based on the charges in the indictment, the case is subject to the rebuttable presumption in 18 U.S.C. § 3142(e)(3) that he must be detained. The court finds that defendant failed to rebut the

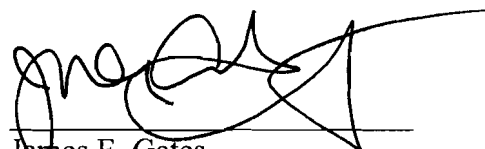
presumption. In accordance with the presumption, the court finds that there is no condition or combination of conditions that will reasonably assure the appearance of defendant as required and the safety of any other person or the community before trial.

Even absent a determination that the presumption was not rebutted, the court finds that the government's proffer, along with the information in the pretrial services report, shows by a preponderance of the evidence that there is no condition or combination of conditions that will reasonably assure the appearance of defendant as required and by clear and convincing evidence that there is no condition or combination of conditions that will reasonably assure the safety of any other person and the community before trial. The basis for this alternative determination includes: the strength of the case against defendant, notwithstanding his identification as a participant in the robbery hinging on statements by his co-defendant; the nature of the offenses charged; the substantial sentence defendant will likely receive if convicted; defendant's extensive criminal record; and his lack of any established residence.

### **Conclusion**

IT IS THEREFORE ORDERED that defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

This, the 18 day of August 2011.

  
James E. Gates  
United States Magistrate Judge